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Banner & Witcoff Ref. No.
Client Ref. No.

01107.52346
DM-3449

SUBSTITUTE JOINT DECLARATION FOR PATENT APPLICATION

As the below named inventors, we hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names:

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled SUBTLE MITOCHONDRIAL MUTATIONS AS TIMOR MARKERS, the specification of which

is attached hereto.
was filed on August 20, 1998 as Application Serial Number 09/377,856 and was amended on _____ (if applicable).
 was filed under the Patent Cooperation Treaty (PCT) and accorded International Application No. _____, filed _____, and amended on _____ (if any).

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We hereby acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56(a).

Prior Foreign Application(s)

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Country	Application No.	Date of Filing (day month year)	Date of Issue (day month year)	Priority Claimed Under 35 U.S.C. §119

Prior United States Provisional Application(s)

We hereby claim priority benefits under Title 35, United States Code, §119(e)(1) of any U.S. provisional application listed below:

U.S. Provisional Application No.	Date of Filing (day month year)	Priority Claimed Under 35 U.S.C. §119(e)(1)
60/097,307	08/20/98	Yes

Prior United States Application(s)

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Date of Filing (Day, Month, Year)	Status X Patented, Pending, Abandoned

Banner & Witcoff Ref. No
Client Ref. No.

01107.82346
DM-3419

Power of Attorney

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys and agents, their registration numbers being listed after their names:

ALTHERR, Robert F.	31,810	HONG, Pauline E.	34,373	NELSON, Jon O	24,564
GANNER, Donald W.	17,017	KOSCHEIT, Dale H	19,090	NIEGOWSKI, James A.	26,331
BANNER, Mark T.	29,928	HYMEL, Lin J.	45,414	PATEL, Binal J.	42,465
BANNER, Pamela I.	33,644	IWANICKI, John P.	34,628	PATHAK, Ajay S.	35,266
BECKER, Matthew P.	45,834	JACKSON, Thomas H.	29,836	PETERSON, Thomas L.	30,965
BECKETT, William W.	18,762	KAGAN, Sarah A.	32,141	POTENZA, Joseph M	25,175
BERGHAMMER, Joseph J.	45,057	KATZ, Robert S.	36,402	PRATT, Thomas K.	27,210
BOEDNER, Jordan	42,335	KLEIN, William J.	43,719	REIK, Christopher J	33,761
KIBBLE, Scott A.	42,373	KRAUSE, Joseph P.	32,578	RESIS, Robert H.	32,148
CALLAGHAN, Judith V.	20,095	LINKE, Ernest V.	29,822	RIVARD, Paul M.	43,446
CHANG, Steve S.	42,402	MALONE, Dale A.	33,155	ROBINSON, Douglas W.	31,751
COLIAN, Gregory J.	40,929	MANNAVA, Arthur K.	45,301	SCHAD, Steven P.	32,510
COCIPRMANI, Marc S.	34,143	MAPLE, Marie-Christine B.	37,588	SHIFFY, Charles W.	28,042
CURTIN, Joseph P.	34,571	MAY, Steven A.	44,912	SHULL, Jason	47,085
DAVID, Michael	44,642	McDERMOTT, Peter D.	29,411	SKFRON, Joseph M.	29,864
DeMOOR, Laura J.	39,634	MCKEE, Christopher L.	32,384	STOCKLEY, D. J.	34,257
EVANS, Thomas L.	15,803	MCKEE, Edward F.	17,335	VAN ES, J. Pietro	37,740
FEDOROVICH, Gary D.	35,509	MEDLOCK, Nina L.	29,673	WITCOFF, Sheldon W.	17,390
FERGUSON, Catherine A.	40,877	MECE, Timothy C.	33,553	WOFFORD, Franklin D.	19,724
FICKLER, Debra A.	40,699	MEEKER, Frederic M.	35,282	WOLFE, Susan A.	33,559
FISHER, William J.	32,131	MILLER, Charles L.	43,803	WRIGHT, Bridget C.	35,061
GLEMECKI, Christopher R.	38,500	MITRA, S. Junice V.	43,808		
HANLON, Dawn E.	40,149	MORENO, Christopher P.	38,566		
HIMMENDINGER, Lisa M.	42,693	MOTTLEY, Darrell G.	42,912		

All correspondence and telephone communications should be addressed to:

Banner & Witcoff, Ltd.
Customer Number: 22907 (WDC)

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signature _____ Date _____
Full Name of First Inventor POLYAK Kornelia
Family Name First Given Name Second Given Name
Residence Roslindale, MA Citizenship Hungarian
Post Office Address 26 Fairview Street, Roslindale, MA 02131

Signature _____ Date 9/30/01
Full Name of Second Inventor VOGELSTEIN Bert
Family Name First Given Name Second Given Name
Residence Baltimore, Maryland Citizenship United States of America
Post Office Address 3700 Breton Way, Baltimore, Maryland 21208

Kenneth W. Kengh

Signature _____ Date 10/2/01
Full Name of Third Inventor KENZLER First Given Name Kenneth
Family Name W.
Residence BellAir, Maryland Second Given Name _____
Post Office Address 1493 Halkirk Way, BellAir, Maryland 21015 Citizenship United States of America

PROSPECTIVE PRACTICE

Banner & Witcoff Ref. No.: 01107.82346
Client Ref. No.: DM-3449

SUBSTITUTE JOINT DECLARATION FOR PATENT APPLICATION

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Application Serial No.	Date of Filing (Day, Month, Year)	Status X Patented, Pending, Abandoned

Power of Attorney

And we hereby appoint, both jointly and severally, as our attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith the following attorneys and agents, their registration numbers being listed after their names:

ALTHEIR, Robert F.	31,810	HONG, Patricia E.	34,375	NELSON, Jon O.	24,566
BANNER, Donald W.	17,637	HOSCHETT, Dale H.	19,060	NIEGOWSKI, James A.	28,331
BANNER, Mark T.	29,883	HYMEL, Lin J.	45,414	PATEL, Binal J.	42,065
BANNER, Pamela L.	33,644	IWANICKI, John P.	34,628	PATRAK, Alan S.	38,266
BECKER, Matthew P.	45,828	JACKSON, Thomas H.	29,808	PETERSON, Thomas L.	30,969
BECKETT, William W.	18,262	KAGAN, Sarah A.	32,141	POTENZA, Joseph M.	24,173
BERNHAMMER, Joseph J.	46,037	KATZ, Robert S.	36,403	PRATT, Thomas K.	37,210
BODNER, Jordan	42,338	KLEIN, William J.	43,719	RANK, Christopher J.	33,761
BUROW, Scott A.	42,375	KORALEK, Joseph P.	32,578	REIS, Robert H.	32,168
CALLAHAN, James V.	30,065	LINKE, Ernest V.	29,822	RIVARD, Paul M.	43,446
CHANG, Steve E.	42,402	MALONE, Dale A.	32,159	ROBINSON, Douglas W.	32,751
COHAN, Gregory J.	40,959	MANNAYA, Asok K.	45,301	SCHAD, Steven P.	32,550
COOPERMAN, Marc S.	34,143	MARPLE, Mario-Claire B.	37,588	SHIPLEY, Charles W.	28,043
CURTIN, Joseph P.	34,571	MAY, Steven A.	44,912	SHULL, Jason	47,085
DAVID, Michael	44,642	McDERMOTT, Peter D.	29,411	SIGAROFF, Joseph M.	29,864
DeMOOR, Laura J.	39,634	MCKEE, Christopher L.	32,384	STOCKLEY, D. J.	34,257
EVANS, Thomas L.	33,805	MCKIE, Edward F.	17,335	VAN ES, J. Peter	37,746
FEDOROCHKO, Gary D.	35,309	MIDDLEKICK, Nira L.	29,673	WITCOFF, Sheldon W.	17,399
FERGUSON, Catherine A.	40,877	MEECE, Timothy C.	38,553	WOLFFE, Franklin D.	19,724
PICKLER, Debra A.	46,699	MEISKER, Frederick M.	35,282	WOLFFE, Susan A.	33,368
FISHER, William I.	32,133	MILLER, Charles L.	43,805	WRIGHT, Bradley C.	38,061
GLEMBOCKI, Christopher R.	38,800	MITCHELL, Janice V.	43,806		
HANLON, Brian E.	40,449	MORENO, Christopher P.	38,366		
HEMMINGER, Lisa M.	42,653	MOTTLEY, Darrell G.	42,912		

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Banner & Witcoff, Ltd.
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Signature R.W. Date 10/21/01
Full Name of First Inventor POLYAK Family Name Kornelia
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Post Office Address 1856 BEACON ST. APT. 6F BROOKLINE, MA 02445 * TGP 10/21/01

Signature _____ Date _____
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Residence Baltimore, Maryland Citizenship United States of America
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Signature _____ Date _____
Full Name of Third Investor KDNZLER Kenneth W
Family Name First Given Name Second Given Name
Residence BelAir, Maryland Citizenship United States of America
Post Office Address 1403 Halikirk Way, Belair, Maryland 21015

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